

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Midas Green Technologies, LLC,**

Plaintiff,

- vs. -

**Rhodium Enterprises, Inc.;  
Rhodium Technologies LLC;  
Rhodium 10mw LLC;  
Rhodium 2.0 LLC;  
Rhodium 30mw LLC;  
Rhodium Encore LLC;  
Rhodium Renewables LLC;  
Rhodium Encore Sub LLC;  
Rhodium Renewables Sub LLC; and  
Rhodium Ready Ventures LLC**

Defendants.

Civil Action No. 6:22-cv-00050-ADA

**Jury Trial Demanded**

**JOINT STATUS REPORT**

Plaintiff Midas Green Technologies, LLC and Defendant Rhodium Enterprises, Inc., Rhodium Technologies, LLC, Rhodium 10MW LLC, Rhodium 2.0 LLC, Rhodium 30MW LLC, Rhodium Encore LLC and Rhodium Renewables LLC (collectively, “Rhodium”) hereby provide the following status report.

### **RECITALS**

1. According to the Scheduling Order, the parties are to conduct two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits.
2. The Court further ordered the parties to file a joint report on or before February 20, 2024 on the results of the meet and confer.
3. On or about December 20, 2023 and February 19, 2024, the parties met and conferred and hereby stipulate as follows:

### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

Plaintiff will be alleging infringement of 1 Patent and a total of 2 claims at trial. The asserted patent is U.S. Patent Number No. 10,405,457 (the ‘457 Patent’). Plaintiff will be alleging infringement of claims 1 and 5 of the ‘457 Patent.

#### **1. Patents**

Plaintiff will dismiss infringement allegations surrounding U.S. Patent No. 10,820,446 patent. The only patent at issue is the ‘457 Patent.

#### **2. Claims**

Plaintiff will dismiss claim 6 from the ‘457 Patent; The only Claims at issue are 1 and 5 of the ‘457 Patent.

### 3. Invalidity

Rhodium has agreed to drop previously asserted prior art references from their defense. Specifically, Rhodium has dropped the following prior art references: U.S. Patent 2,500,013 (Gryzhin); and U.S. Patent No. 5,167,511 (Krajewski). Rhodium has also withdrawn U.S. Patent 4,590,538 (Cray) as a charted reference but continues to rely on Cray for background/evidence of the state of the art.

### 4. Defendants

Midas has agreed to dismiss without prejudice the following defendants named in the Complaint from allegations of infringement of the '457 Patent:  
Rhodium Encore Sub LLC; Rhodium Renewables Sub LLC; and Rhodium Ready Ventures LLC.

### CERTIFICATE OF CONFERENCE

I certify that counsel for all Parties have conferred in good faith and this motion is joint.

/s/ Joseph E. Thomas

DATED: February 20, 2024

Respectfully submitted,  
/s/ Michael C. Smith

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***Attorneys for Plaintiff  
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*/s/ J. Travis Underwood*

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Encore LLC and Rhodium Renewables LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who have appeared electronically in this case are being served with this document on February 20, 2024 by way of the primary email address that said counsel supplied to the Court's CM/ECF system.

/s/ Michael C. Smith